

FINAL BILL REPORT

SSB 5149

C 320 L 97

Synopsis as Enacted

Brief Description: Revising restrictions on legislators' newsletters.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Long, Spanel, Horn and Kohl; by request of Legislative Ethics Board).

Senate Committee on Law & Justice

House Committee on Government Administration

Background: In 1994, the Legislative Ethics Board was created and given responsibility for enforcing ethics laws and rules as they apply to members and employees of the Legislature. Among other duties, the board is required to issue advisory opinions and investigate complaints. In fulfilling those duties, the board sometimes notes that the law is difficult to interpret and asks or recommends that the statutory language be addressed by the Legislature.

Initiative 134, approved by the voters in 1992 and amended in 1995, established a freeze on mailings to constituents from state legislators for the year prior to the last day for certification of their next election. The law provides certain exceptions to this general rule. The Legislative Ethics Board has proposed language to clarify some sources of difficulty in interpreting this statute.

The first concern is that the last day for certification is ambiguous and might be inadvertently violated. A second concern is that newsletters to constituents are supposed to be identical. A third problem is that the exceptions to the freeze rule include sending a letter in response to a constituent who has contacted the legislator about the subject of the response, but do not include authority for a legislator to send a congratulatory letter to a constituent who has received an important award or honor. The fourth concern is that it is not sufficiently clear that the freeze only applies to a legislator who is a candidate. The fifth issue involves determining when a legislator has exceeded the expenditure limit on mailings. The sixth concern is providing a clear understanding of who is a constituent.

Summary: The 12-month freeze on mailings begins on December 1 of the year before a general election for the state legislator's election to office and runs through November 30 after the election.

A legislator appointed during a regular legislative session to fill a vacant seat has 30 days from the date of appointment to send out the first mailing.

Newsletters need not be identical as to the name and address of the constituent.

Legislators may send unsolicited letters acknowledging the achievement of an award or honor of extraordinary distinction.

The term "legislator" for the purpose of the freeze provisions is defined as a legislator who is a candidate for any public office.

A violation of the expenditure limits for mailings only occurs if the legislator exceeds the total limit per member, and not for exceeding a particular category within that limit.

The term "constituent" for purposes of the mailings statute excludes persons residing outside the legislative district represented by the legislator, except for students, military personnel, and others temporarily employed outside the district who normally reside in the district.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House	98	0	(House amended)
Senate	33	0	(Senate concurred)

Effective: July 27, 1997